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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,269	12/19/2005	Harold Keith Braid	231/1/146	9291
170 7590 10/29/2008 RICHARD M. GOLDBERG 25 EAST SALEM STREET SUITE 419 HACKENSACK, NJ 07601			EXAMINER TANG, JEFF	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 10/29/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/539,269

**Applicant(s)**

BRAID ET AL.

**Examiner**

Jeff Tang

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7 October 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) 4, 5, 8 and 13 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3, 6, 7, 9-12 and 14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date 6/16/05  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in response to the election/restriction requirement filed on 10/7/08. However, examiner believes that claim 4 is subject to another embodiment, corresponding to Figures 7 and 8A-C. Therefore, claims 1-3, 6, 7, 9-12, and 14 will be examined.

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 6, 7, and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Guillemet et al. (US 6,553,620 B3).** Guillemet et al. disclose a modular spring support mounting arrangement for a sash window spring counterbalance arrangement of the type including a plurality of coiled ribbon springs (33), the modular spring support mounting arrangement being adapted to be fitted within a window jamb channel and to support and secure the springs within the window jamb channel; the modular spring support mounting arrangement comprising at least a first spring support mounting element (12) and a second spring support mounting element (12) the first

spring support mounting element including a pair of wedged shaped cross section projections which extend normally from the spring support mounting element and are laterally spaced apart and inwardly oppositely directed (42, Fig. 5), and the second spring support mounting element including an interengagement fitting which engages the pair of wedged shaped cross section projections together (43, Fig. 2), and at least one of: the interengagement fitting and projections define and provide a support surface for one of the coiled ribbon springs (Fig. 5); **[claim 6]** which the interengagement fitting and pair of projections are adapted to engage and securely interconnect the first and second spring support mounting elements together by aligning the interengagement fitting and pair of projections and laterally sliding the spring support mounting elements relative to each other (Fig. 2); **[claim 7]** in which the interengagement fitting and pair of projections together define and provide a support surface for one of the coiled ribbon springs (Fig. 5); **[claim 14]** which the pair of projections comprise a pair of wedge shaped cross section projections which are inwardly oppositely directed (42, Fig. 5);

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guillemet et al. (US 6,553,620 B3) in view of Braid et al. (US 6,584,644 B2).**

Guillemet et al. disclose the invention as set forth but does not disclose a dovetail cross

section. However, Braid et al. discloses a dovetail cross section (33, 36, Fig. 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified Guillemet et al. to have included a dovetail cross section projection. The motivation for doing so would be to provide support for a ribbon spring

**6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Guillemet et al. (US 6,553,620 B3) in view of Westfall (US 5,463,793).** Guillemet et al. disclose the invention as set forth but does not disclose a narrowed neck portion.

However, Westfall discloses a narrowed neck portion corresponding to a lateral spacing between the pair of laterally spaced wedge shaped cross section projections, and the narrowed neck portion is engaged between the pair of laterally spaced wedge shaped cross section projections (57, Fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art to have provided a narrow neck as disclosed by Westfall. The motivation for doing so would be to provide a secure connection between the spring supporting elements.

**7. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Guillemet et al. (US 6,553,620 B3).** The method of installing the modular spring support would be obvious in view of Guillemet et al. For example, it would be obvious to insert the first spring support mounting element into the window jamb channel, laterally aligning the corresponding interlocking arrangement of the first and second spring support mounting elements, and then to laterally slide the second spring support mounting element relative to the first spring support mounting element to engage the interlocking arrangement and securely interlock the spring support mounting elements

together within the window jamb channel (Column 4, lines 16-32). It would also be obvious to slide the spring support elements to interlock and then to sliding the elements within the window jamb channel to position it. Therefore, it would have been obvious to describe the method of installation. The motivation for doing so would be to create an adjustable spring support for a sliding window.

**8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guillemet et al. (US 6,553,620 B3) in view of Braid et al. (US 6,584,644 B2).**

Guillemet et al. disclose the method as disclosed, but does not disclose installing the spring support mounting into a jamb channel with an access opening. However, Braid et al. discloses an access opening which allows the spring assembly to be inserted (Column 5, lines 4-11). Therefore, it would have been obvious to one of ordinary skill in the art to include an access opening. The motivation for doing so would be to allow to insert the spring support modules.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Tang whose telephone number is (571) 270-5223. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/  
Supervisory Patent Examiner, Art  
Unit 3634

/J. T./  
Examiner, Art Unit 3634